IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 29 OF 2005

-: ALONG WITH :-

CIVIL APPLICATION NO. 124 OF 2005

Sheshappa Chandrappa Natekar & Ors. ..... Petitioners.

Versus

State of Maharashtra & Ors. .. .... Respondents.

Mr.R. K. Mendadkar for the Petitioners.

Mr. C. R. Sonawane, AGP for Respondent Nos.1 and 2.

CORAM : DALVEER BHANDARI, C. J. &

S. A. BOBDE, J.

DATED : JANUARY 25, 2005.

P.C. :

The petitioners have made grievance that the impugned

order dated 4th January, 2005 is contrary to well settled principles of natural justice and fair play in quasi judicial proceedings. It is submitted by the learned Counsel for the petitioners that the matter was heard by (1) V. V. Deshmukh, Vice Chairman, (2) A. S. Gunjal, Member – Secretary and (3) R. G. Mandve, Sr. Research Officer. The petitioners submitted that M. A. Shaikh, Member, Scrutiny Committee, never heard the case of petitioners but the impugned order is signed by M. A. Shaikh, Member – Scrutiny Committee. In this view of the matter, the order passed by respondent No.2 Committee cannot be sustained in law as the same has not been passed by the three members of the respondent No.2 Committee constituting coram who actually heard the petitioners. It is also mentioned that after 27th July, 2004 there was no hearing at all.

2. In pursuance of of the court notice issued by this court, M. A. Shaikh, Research Officer, Scheduled Tribe Caste Certificate Verification Scrutiny Committee, has filed his own affidavit on 19th January, 2005. In para 2 of the said affidavit, he has clearly mentioned that he had taken charge as one of the members of the

Scrutiny Committee as Research Officer on 6th November, 2004. He further mentioned and the relevant para is reproduced as under:

> "I cannot be the member of the Scrutiny Committee on the dates as mentioned in Ground 1 page 25 of the Writ Petition, but I was made conversant with the facts of the case by my predecessor Shri R. G. Mandave, Research Officer, who was one of the members of the Scrutiny Committee on the relevant dates as mentioned on page No.25 of the Writ Petition."

3. He further submitted that he had signed the said order on 4th January, 2005 being, and in the capacity of one of the member of the Scrutiny Committee.

4. In view of respondent No.2 M. A. Shaikh's own affidavit, the impugned order has to be quashed and we order accordingly.

5. Accordingly, we direct the Committee to decide the matter

afresh within a period of two months from the date of petitioners first appearing before the Committee. To avoid any delay in the matter, we direct the petitioners to appear before the Committee on 1st February, 2005 at 11.00 A.M.

6. Learned Counsel for the petitioners has drawn our attention to the order dated 18th January, 2005 passed by the Commissioner, Pimpri Chinchwad Municipal Corporation. In view of our aforesaid order, the order dated 18th January, 2005 is also set aside.

7. No further directions are necessary. Writ Petition and the Civil Application No. 124 of 2005 are accordingly disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.